



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

December 18, 2003

MEMORANDUM TO: Frank Congel, Director
Office of Enforcement

FROM: Nick Hilton, Senior Enforcement Specialist /RA/
Office of Enforcement

SUBJECT: SUMMARY OF DECEMBER 10, 2003, PUBLIC MEETING TO DISCUSS
ISSUES AND PROPOSED SOLUTIONS REGARDING DEVELOPMENT
OF A PILOT ADR PROGRAM IN ENFORCEMENT

On December 10, 2003, the U.S. Nuclear Regulatory Commission (NRC) staff held a public meeting with representatives of the public and the nuclear industry. The meeting was held to discuss and solicit external stakeholder input on issues needing consideration during development of the Alternative Dispute Resolution (ADR) pilot program being developed by the Office of Enforcement.

This meeting was classified as a Category 3 public meeting which provided an opportunity for members of the public to discuss regulatory issues with the NRC at any point during the meeting. The staff will consider the comments received during the meeting, as well as future written comments, when developing the pilot program. A list of meeting attendees is provided as Attachment 1. Handouts are provided as Attachment 2. The meeting notice and discussion issues documents are in ADAMS, accession numbers ML033280634 and ML033290248 respectively.

The meeting was attended by representatives of the nuclear industry, the Nuclear Energy Institute, David Lochbaum of the Union of Concerned Scientists, Billie Garde of Clifford, Lyons, and Garde, and interested parties from the ADR industry.

The meeting began by stakeholders discussing the benefits of ADR, specifically its ability to provide a faster, more efficient resolution and to avoid the workplace disruptions potentially associated with an OI investigation. The discussion then shifted to concerns with the use of ADR. One such issue was whether an ADR settlement would limit the NRC's ability to hold licensees accountable for regulatory violations and to address underlying issues relating to safety and the maintenance of a safety conscious work environment. Stakeholders also discussed what cases would be appropriate for ADR and whether the determination should be made based on a preset list or on a more flexible case by case basis. Another issue was the appropriate roles for the NRC, the licensee, and the whistleblower in ADR and, for cases where the NRC is not a party to the settlement, what type of review the NRC might conduct before approving a settlement agreement. Finally, the qualifications and selection of neutrals and who should pay the costs of ADR, were briefly discussed.

Attachments: As stated

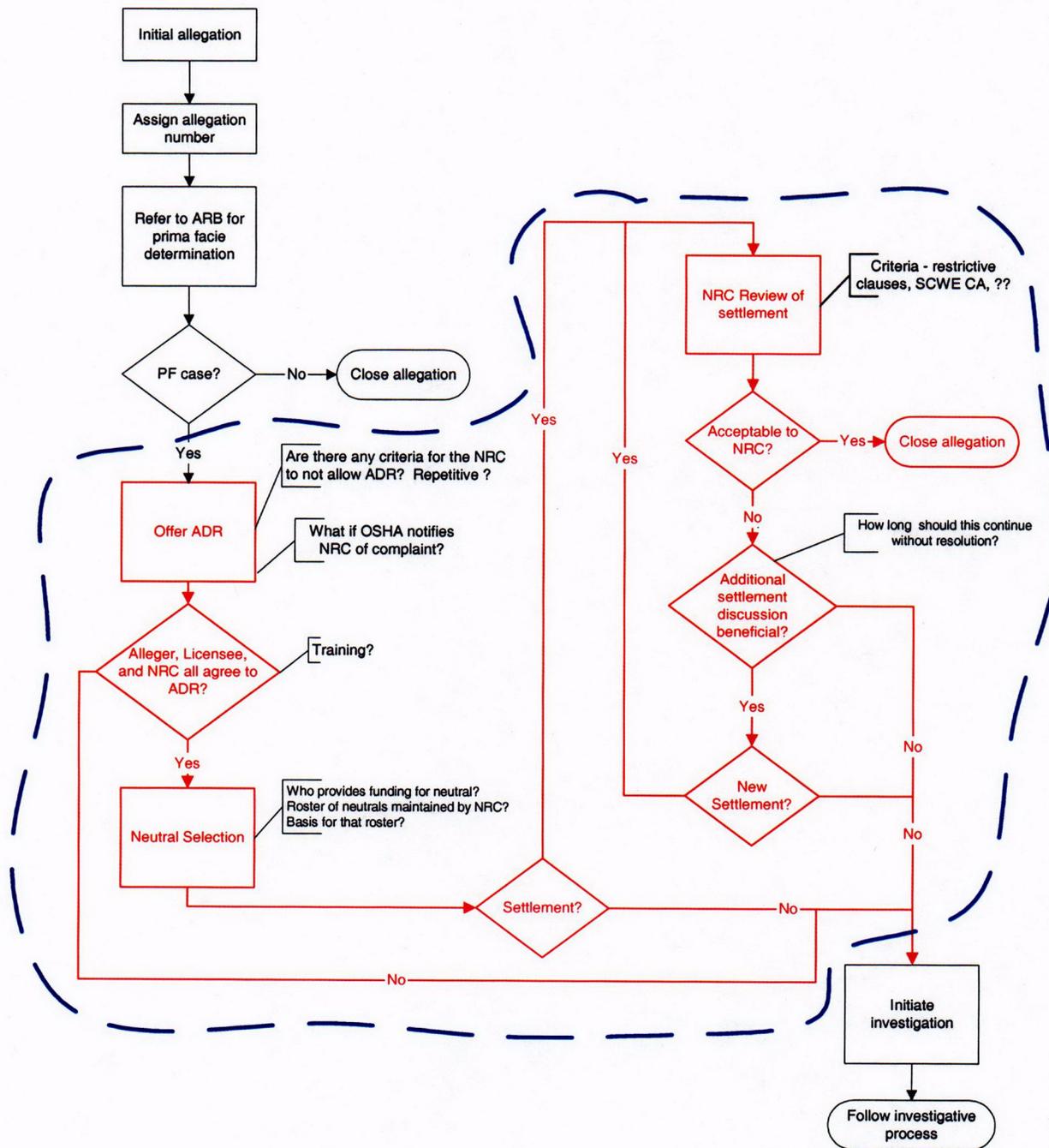
**Enforcement Pilot Program for ADR:
Issues and Proposed Solutions**

Attendee list

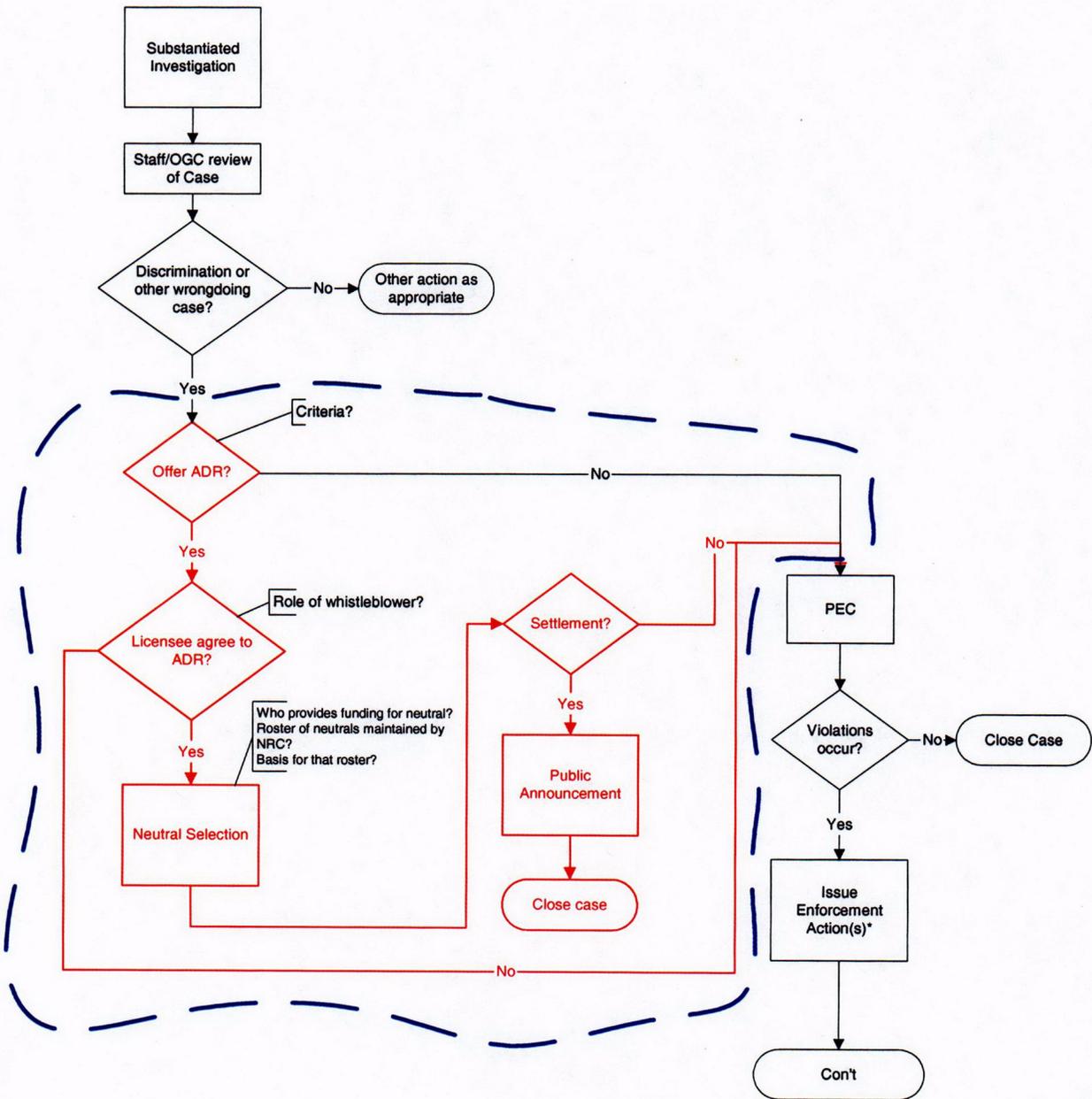
December 10, 2003
9:00 am to 4:30 pm
O14-B6, One White Flint North

Name	Organization
<u>David Lochbaum</u>	<u>UCS</u>
<u>Bill Baer</u>	<u>Morgan Lewis</u>
<u>Willis Frick</u>	<u>Southern Calif. Edison</u>
<u>Gregory Twachtman</u>	<u>McGraw-Hill</u>
<u>Ed Viguicci</u>	<u>TVA</u>
<u>Renee Pedersen</u>	<u>NRC/OE</u>
<u>Lisamarie Jarriel</u>	<u>NRC/OE</u>
<u>Doug Starkey</u>	<u>NRC/OE</u>
<u>Sherri Miotla</u>	<u>NRC/OIG</u>
<u>Jerrold Sullivan</u>	<u>NRC/OIG</u>
<u>S. Pierre Paret</u>	<u>AAA</u>
<u>Roy Lessy, Jr.</u>	<u>Akin, Gump</u>
<u>Mary Kay Fahey</u>	<u>NRC/OI</u>
<u>Dennis Dambly</u>	<u>NRC/OGC</u>
<u>Dan Dozier</u>	<u>CDR Associates</u>
<u>Edmund Kelly</u>	<u>NFS</u>
<u>Frank Congel</u>	<u>NRC/OE</u>
<u>David Repka</u>	<u>Winston & Strawn</u>
<u>Greg Morell</u>	<u>NRC/OE</u>
<u>Ellen Ginsberg</u>	<u>NEI</u>
<u>Tom O'Neill</u>	<u>Exelon</u>
<u>Nick Hilton</u>	<u>NRC/OE</u>
<u>Billie Garde</u>	<u>Clifford, Lyons, & Garde</u>
<u>Lisa Clark</u>	<u>NRC/OGC</u>
<u>Charlie Pou</u>	<u>The Mediation Consortium</u>

Early ADR



Post Investigation ADR



*Assumes nominal process with NOV and CP as enforcement sanction

Post Investigation ADR

